



**PLANNING DIRECTOR'S HEARING AGENDA**

**WEDNESDAY, DECEMBER 13, 2006**

9:00 a.m.  
City Council Chambers  
City Hall

200 East Santa Clara Street  
San Jose, California 95113-1905

**Hearing Officers**

**Susan Walton, Principal Planner**

**Mike Enderby, Acting Principal Planner**

**Joseph Horwedel, Director  
Planning, Building, and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **December 13, 2006**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

**Note:** If you have any agenda changes, please contact Gina Robles ([gina.robles@sanjoseca.gov](mailto:gina.robles@sanjoseca.gov)).

## **AGENDA**

### **ORDER OF BUSINESS**

#### **1. DEFERRALS**

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

**The matter of deferrals is now closed.**

#### **2. CONSENT CALENDAR**

##### **NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. **PD06-029. Planned Development Permit** request to allow 110 single-family attached residential units in a podium building on a 10.66 gross acre site in the A(PD) Planned Development Zoning District, located on the northeast corner of Baton Rouge Drive and Cedarville Lane (781 N CAPITOL AV) (Blossom Valley Investors, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. **Deferred from 12/06/06.**
- b. **TR06-172. Tree Removal Permit** to remove one Palm Tree approximately 144" in circumference on a 0.07 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at the 133 West William Street (133 W WILLIAM ST) (Cazares Ester B Et Al, Owner). Council District 3. CEQA: Exempt.
- c. **TR06-199. Tree Removal Permit** to remove one avocado tree 72 inches in circumference on a 0.11 gross acre site in the R-2 Two-Family Residence Zoning District, located at/on the 75 Eastwood Court (75 EASTWOOD CT) (Doust William, Owner). Council District 3. CEQA: Exempt.
- d. **TR06-217. Tree Removal Permit** to remove one Ailanthus tree, underneath PG&E lines, approximately 75 inches in circumference on a single family lot in the R-1-8 Single-Family Residence Zoning District, located at/on the 104 South 16th Street (104 S 16TH ST) (Dewitt Constance A And Kasravi Kam D, Owner). Council District 3. CEQA: Exempt.

- e. **TR06-182. Tree Removal Permit** to remove one Fern Pine Tree (podocarpus gracilior) 86" in circumference from a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 5499 Blackoak Way (Yogendra Bobra). Council District 1. CEQA: Exempt.
- f. **PD06-036. Planned Development Permit** to construct two, two-story commercial buildings totaling approximately 36,500 gross square feet on a 3.3 gross acre site in the A(PD) Planned Development Zoning District, located at the Evergreen Village Square (4035 Evergreen Village Square) (Shapell Industries, Owner). Council District 8. SNI: None. CEQA: Use of Mitigated Negative Declaration.
- g. **TR06-167. Tree removal permit** to remove one Pine tree 70 inches in circumference, and one Palm tree 141 inches in circumference, on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 3899 Prescott Avenue (Teng Tso-I And Lu Kuei-Chu, Owner). Council District 9. CEQA: Exempt.

**The consent calendar is now closed.**

### **3. PUBLIC HEARING**

- a. **TR06-174. Tree Removal Permit** requesting to remove seven Monterey Pine trees, one Canary Island Pine tree, varying in size between 53 inches to 91 inches in circumference on a 0.19 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at/on the 2029 Park Royal Drive (Edwards William S And Michalene, Owner). Council District 6. CEQA: Exempt. **Continued from 11/15/06.**
- b. **PD06-030. Planned Development Permit** to construct 23 single-family detached, two- and three-story residences on a 1.83 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Lucretia Avenue and Phelan Avenue (Lucretia Development, Llc Myha Trieu, Developer). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. **Deferred from 12/06/06.**
- c. **PT06-064. Vesting Planned Development Tentative Map** to subdivide two parcels into 24 lots for single-family detached residential uses on a 1.83 gross acre site in the A(PD) Planned Development Zoning District, located at the northwest corner of Lucretia Avenue and Phelan Avenue (Lucretia Development, LLC, Myha Trieu, Developer). Council District 7. SNI: Tully/Senter. CEQA: Exempt. **Deferred from 12/06/06.**
- d. **TR06-196. Tree Removal Permit** for removal without permit of two Pine Trees 60 and 79 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at 6604 Northridge Drive (Almaden Swim and Racquet Club). Council District 10. CEQA: Exempt.

- e. **TR06-191. Tree Removal Permit** to allow the removal of one Eucalyptus tree approximately 61 inches in circumference from an existing single-family detached residential lot in the A(PD) Planned Development Zoning District, located at 6841 Heaton Moor Drive (James and Anne Carlson, Owners). Council District 2. CEQA: Exempt.
- f. **TR06-207. Tree Removal Permit** to legalize the removal of one Pine tree 60 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at 1048 Clintonia Avenue (Pearlman Les K And Carolyn M, Owner). Council District 6. CEQA: Exempt.
- g. **SP06-076. Special Use Permit** to allow the construction of a 5,670 square foot attached canopy, a 6,945 square foot interior mezzanine level, and tenant improvements associated with a legal non-conforming Industrial Services business (industrial laundry) on a 5.32 gross acre site in the IP Industrial Park Zoning District, located on the west side of Junction Avenue, approximately 380 feet southerly of Brennan Street (2275 JUNCTION AV) (Apip 185 Llc, Owner). Council District 4. SNI: None. CEQA: Exempt.
- h. The projects being considered are located on the south side of Paula Street, approximately 160 feet easterly of Meridian Way. In the A(PD) Planned Development Zoning District (Rockwell Homes Inc. Paula Villas, LLC; Owner) Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
  - 1. **PD06-046. Planned Development Permit** to demolish existing structures and to construct 15 single-family detached homes.
  - 2. **PT06-085. Planned Development Tentative Map Permit** to subdivide one parcel into 16 lots for a private street and for 15 single-family detached residential uses.
- i. **TR06-206. Tree Removal Permit** to allow the removal of one Oak tree, approximately 75 inches in circumference on an existing 0.13 acre single-family lot in the R-1-8 Single-Family Residence Zoning District, located at 5039 Yorkton Way (Mr James Schmidt, Owner). Council District 1. CEQA: Exempt.
- j. **TR06-192. Tree Removal** application for one Aleppo Pine 119 inches in circumference on a 0.3 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 4798 Montreal Court (Zink Lindley B And Nancy, Owner). Council District 1. CEQA: Exempt.

**This concludes the Planning Director's Hearing for December 13, 2006. Thank you.**

PLANNING DIRECTOR'S AGENDA ON THE WEB:  
<http://www.sanjoseca.gov/planning/hearings/default.asp>  
PUBLIC INFORMATION COUNTER  
(408) 535-7800 CITY OF SAN JOSE